

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION

No. 2:19-CV-0001-BO

CENTER FOR BIOLOGICAL	)	
DIVERSITY,	)	
	)	
Plaintiff,	)	
	)	JOINT STIPULATION OF
v.	)	DISMISSAL WITH PREJUDICE
	)	
UNITED STATES FISH AND WILDLIFE	)	
SERVICE,	)	
	)	
Defendant.	)	

This Joint Stipulation is entered into by and between Defendant United States Fish and Wildlife Service and Plaintiff Center for Biological Diversity (“the Parties”). Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties, by and through their undersigned counsel, do hereby stipulate and agree that all matters giving rise to this action, and Plaintiff’s claims for attorneys’ fees and costs have now been resolved. Accordingly, the undersigned Parties hereby stipulate and agree as follows:

1. Defendant shall pay Plaintiff a total of \$13,000.00 in settlement of Plaintiff’s claims for attorneys’ fees and costs in the above-captioned case. This figure is inclusive of any interest. Within sixty days (60) after the filing of this Stipulation, Defendant shall make the payment to Plaintiff by an electronic transfer of funds as specified in instructions provided to counsel for the Defendant by Plaintiff’s counsel in writing. Plaintiff and Plaintiff’s counsel shall be responsible for any distribution of

the payment among themselves.

2. Plaintiff agrees to accept payment of \$13,000.00 in full and complete satisfaction of any and all claims, demands, rights, and/or causes of action for attorneys' fees and costs to which it may be entitled in connection with the above-referenced case through and including the date of this Stipulation. Plaintiff also shall provide to Defendant confirmation of its receipt of payment within ten (10) business days after receipt.

3. This Joint Stipulation shall not constitute an admission of liability or fault on the part of either Party or their agents, servants, or employees, and is entered into by both parties for the sole purpose of compromising disputed claims and avoiding the expenses and risks of further litigation.

4. The Parties agree and acknowledge that this Joint Stipulation as to attorneys' fees and costs has no precedential value and shall not be used as evidence in any pending or future civil or administrative action, or attorneys' fees litigation, against either Party or their agents, servants, or employees. Further, the Parties agree that this Joint Stipulation was negotiated in good faith. By entering into this Joint Stipulation, the Parties do not waive any claim or defense.

5. The undersigned representatives of Defendant and Plaintiff certify that they are fully authorized by the Parties that they represent to enter into all the terms and conditions of this Joint Stipulation.

6. This Stipulation is effective as of the date it is entered by the Court.

7. This Joint Stipulation shall be binding upon and inure to the benefit of the Parties hereto including, but not limited to, their officers, directors, servants, employees, successors, and assigns.

8. The Parties request that the Court retain jurisdiction to oversee compliance with the terms of this Joint Stipulation and to resolve any disputes arising under this Joint Stipulation and any motions to modify any of its terms. See Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 381-82 (1994).

9. This Joint Stipulation constitutes the entire agreement of the parties concerning the rights and obligations discussed herein. No other agreement shall govern the rights of the parties with respect to the matters resolved by this Stipulation, except in accordance with the terms herein.

For all these reasons, the Parties respectfully request that the Court approve the Joint Stipulation, as stated above.

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Respectfully submitted this 13th day of May, 2020.

ROBERT J. HIGDON, JR.  
United States Attorney

By: /s/ Rudy E. Renfer  
RUDY E. RENFER  
Assistant United States Attorney  
Civil Division  
150 Fayetteville Street  
Suite 2100  
Raleigh, NC 27601  
Telephone: (919) 856-4530  
Facsimile: (919) 856-4821  
Email: [rudye.e.renfer@usdoj.gov](mailto:rudye.e.renfer@usdoj.gov)  
N.C. Bar No. 23513  
*Attorney for Defendant*

By: /s/ Perrin W. de Jong  
Perrin W. de Jong  
CENTER FOR BIOLOGICAL DIVERSITY  
P.O. Box 6414  
Asheville, NC 28816  
Telephone: (828)252-4646  
Facsimile: (888)277-4929  
Email: [perrin@biologicaldiversity.org](mailto:perrin@biologicaldiversity.org)  
N.C. Bar No. 42773

Collette L. Adkins  
CENTER FOR BIOLOGICAL DIVERSITY  
P.O. Box 595  
Circle Pines, MN 55014-0595  
Telephone: (651) 955-3821  
Facsimile: (415) 436-9683  
Email: [cadkins@biologicaldiversity.org](mailto:cadkins@biologicaldiversity.org)  
Minn. Bar No. 035059X

*Counsel for the Plaintiff*

CERTIFICATE OF SERVICE

I do hereby certify that I have this 13th day of May, 2020, served a copy of the foregoing upon the below-listed party or parties electronically using the CM/ECF system or by placing a copy of the same in the U.S. Mail, addressed as follows:

Collette L. Adkins  
Center for Biological Diversity  
Post Office Box 595  
Circle Pines, MN 55014-0595  
651-955-3821  
Fax: 503-283-5528  
Email: [cadkins@biologicaldiversity.org](mailto:cadkins@biologicaldiversity.org)

Perrin W. de Jong  
Center for Biological Diversity  
P.O. Box 6414  
Asheville, NC 28816  
828-774-5638  
Fax: 888-277-4929  
Email: [perrin@biologicaldiversity.org](mailto:perrin@biologicaldiversity.org)

By: /s/ Rudy E. Renfer  
RUDY E. RENFER  
Assistant United States Attorney  
Civil Division  
150 Fayetteville Street  
Suite 2100  
Raleigh, NC 27601  
Telephone: (919) 856-4530  
Facsimile: (919) 856-4821  
Email: [rudy.e.renfer@usdoj.gov](mailto:rudy.e.renfer@usdoj.gov)  
N.C. Bar No. 23513  
Attorney for Defendant

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CENTER FOR BIOLOGICAL	)	
DIVERSITY,	)	
	)	
Plaintiff,	)	
	)	ORDER GRANTING JOINT
v.	)	STIPULATION OF DISMISSAL
	)	WITH PREJUDICE
UNITED STATES FISH AND WILDLIFE	)	
SERVICE,	)	
	)	
Defendant.	)	

Based on the Parties' Joint Stipulation of Dismissal with Prejudice, and for good cause shown, the Joint Stipulation is hereby APPROVED and this matter dismissed with prejudice.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2020

By: \_\_\_\_\_  
TERRENCE W. BOYLE  
Chief United States District Judge